

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

AUBREY MCDANIELS,	)	
Petitioner,	)	
	)	
v.	)	Civil Action No 11-85
	)	
ATTORNEY GENERAL OF PA., et al.,	)	
Respondents.	)	

O R D E R

AND NOW, this 24th day of March 2011, after a petition for a writ of habeas corpus was filed by the petitioner, Aubrey McDaniels, and after a Report and Recommendation of the United States Magistrate Judge was issued, and the petitioner was accorded an opportunity to file written objections by March 21, 2011, and no objections having been filed, and after independent review of the petition and the record, and upon consideration of the Report and Recommendation of the Magistrate Judge, which is adopted and incorporated as the opinion of this Court,

IT IS ORDERED that the petition of Aubrey McDaniels for a writ of habeas corpus is dismissed without prejudice for failure to prosecute, and that a certificate of appealability is denied, because reasonable jurists could not conclude that a basis for appeal exists.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the F.R.App.P., if the petitioner desires to appeal from this Order, he must do so within thirty (30) days by filing a notice of appeal as provided by Rule 3 F.R.App.P.

  
United States District Judge